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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,430	07/13/2000	Luc Wuidart	S1022/8393	3359

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EXAMINER

LY, NGHI H

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/615,430

Applicant(s)

WUIDART ET AL.

Examiner

Nghi H. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, Applicant's states that " the electromagnetic transponder of claim 1, having an oscillating circuit not including a capacitor." However, Applicant fails to provide a drawing that having an oscillating circuit not including a capacitor as claimed.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, 4-13 are rejected under 35 U.S.C. 103(a) as being obvious over the Applicant's admitted prior art in view of Burdick et al (US 6,424,820).

Regarding claims 1, 9, 10, 12 and 13, the admitted prior art teaches an electromagnetic transponder of the type including a parallel oscillating circuit (see Applicant's admitted prior art fig.1) adapted to being excited by a series oscillating circuit of a read/write terminal when the transponder enters the field of the terminal (see Applicant's Background Of The Invention page 1 lines 18-21). The Applicant's admitted prior art does not specifically disclose the components of the oscillating circuit of the transponder are sized so that the coupling coefficient between the respective oscillating circuits of the terminal and of the transponder rapidly decreases when the distance separating the transponder from the terminal becomes greater than a predetermined value. Burdick teaches the coupling coefficient between the respective oscillating circuits of the terminal and of the transponder rapidly decreases when the distance separating the transponder from the terminal becomes greater than a predetermined value (see column 6 lines 12-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burdick into the system of the Applicant's admitted prior art so that user can be accommodated in a small physical area without interference (see column 6 lines 14-15).

Regarding claim 2, the combination of Burdick and the Applicant's admitted prior art teaches predetermined value corresponds to 1-3 meters (see column 6 lines 15-21). The combination of Burdick and the Applicant's admitted prior art does not specifically disclose the predetermined value corresponds to 1 centimeter. However, such distance range would have been obvious since the particular distance range could have been determined by the inventors' needs e.g., use a distance range which can minimize the interference with other users.

Regarding claim 4, the combination of Burdick and the Applicant's admitted prior art teaches the electromagnetic transponder includes an inductance and a capacitance of the parallel oscillating circuit. The combination of Burdick and the Applicant's admitted prior art does not specifically disclose an inductance of the parallel oscillating circuit is maximized, a capacitance of this oscillating circuit being minimized. However, such the inductance is maximized or the capacitance is minimized would have been obvious since the inductance is maximized or the capacitance is minimized could have been determined by the inventors' needs e.g., use an inductance or capacitance which can minimize the interference with other users.

Regarding claims 7 and 11, the combination of the Applicant's admitted prior art and Burdick teaches the number of turns of the inductance of the oscillating circuit of the transponder is 25 (see Burdick column 40 line 52). The Applicant's admitted prior art and Burdick does not specifically disclose the number of turns of the inductance includes a single turn or ranges between 5 and 15. However, such number of turns would have been obvious since the particular number of turns could have been

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determined by the inventors' needs e.g., use a number of turns which can optimize the transmission coverage area that also minimizes interference.

Regarding claim 8, the combination of the Applicant's admitted prior art and Burdick teaches the respective value of the capacitance and of the inductance of the parallel oscillating circuit are 39 pF and 6.48 microHenries (see Burdick column 40 lines 58-61). The Applicant's admitted prior art and Burdick does not specifically disclose the values of the capacitance and of the inductance range between 5 and 100 pf and between 2 and 25 microHenries. However, such particular value of capacitance and inductance would have been obvious since the particular value of capacitance and inductance could have been determined by the inventors' needs e.g., use particular value of capacitance and inductance which can optimize the transmission coverage area that also minimizes interference.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being obvious over the Applicant's admitted prior art in view of Burdick et al (US 6,424,820) and further in view of Duan et al (US 6,281,794).

Regarding claim 3, the combination of the Applicant's admitted prior art and Burdick teaches the electromagnetic transponder of claim 1. The combination of the Applicant's admitted prior art and Burdick does not specifically disclose the electromagnetic transponder having an oscillating circuit not including a capacitor, the stray capacitance of the inductance performing the function of a capacitive element for the oscillating circuit. Duan teaches the electromagnetic transponder having an

oscillating circuit not including a capacitor, the stray capacitance of the inductance performing the function of a capacitive element for the oscillating circuit (see column 2 lines 55-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Duan into the system of the Applicant's admitted prior art and Burdick in order to reduce the net reactance of the antenna circuitry combination (see column 2 lines 59-61).

### ***Allowable Subject Matter***

6. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5 and 6, the combination of Burdick and the Applicant's admitted prior art teaches claim 1. The combination of Burdick and the Applicant's admitted prior art fails to teach the claimed limitations of claims 5 and 6.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Fray (US 6,100,788) teaches multifunctional electromagnetic transponder device and method for performing same.

b. Fujioka (US 5,619,529) teaches non-contact IC card and non-contact IC card reader/writer.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

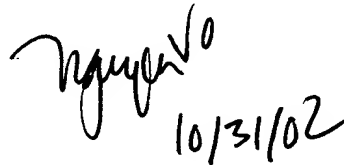
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly



October 24, 2002



NGUYENT. VO  
PRIMARY EXAMINER